IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

RSA NO. 2196 OF 2004

DATE OF DECISION: December 15, 2006

Parties Name

Harbans Kaur and others

..APPELLANTS

VERSUS

Raghbir Singh and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH

PRESENT: Mr. Neeraj Sharma,
Advocate, for the appellant – applicant.

JASBIR SINGH, J. (ORAL)

JUDGMENT:

CM No. 6093 -C of 2006

This application has been filed under Order 9 Rule 9 CPC for recalling the order dated March 21, 2006, vide which RSA No. 2196 of 2004 was dismissed for non-prosecution. Application is accompanied by an affidavit of the Advocate. In view of averments made in this application, it is allowed and the order stands recalled. On request, appeal is taken on board for disposal.

RSA No. 2196 of 2004

Heard. The appellants filed a suit for possession by way of specific performance of an agreement to sell dated August 20, 1987. Suit was dismissed. Appellants went in appeal, which was partly allowed. Decree for recovery of Rs. 70,000/-, which was alleged to have been paid as

earnest money, was passed along with interest at the rate of 9% per annum from the date of filing the suit till realisation of the amount, referred to above. Hence this appeal.

Both the Courts below have found it as a matter of fact that the decree, on the basis of which respondent No. 1, namely, Raghbir Singh had become owner of the property in dispute, was lateron set aside and he ceased to be owner of the property in dispute. This Court feels that the finding given above is perfectly justified and the same was given on the basis of documentary evidence, brought on record by the parties. Nothing has been shown to the contrary, which may permit this Court to interfere in the pure findings of fact. The appellants have failed to raise any substantial question of law. Dismissed.

December 15, 2006. (Jasbir Singh)
DKC Judge